

# Children Are Unbeatable! Newsletter England

Issue No. 11 – October 2013 (see [website](#) for previous issues)

If you do not want to receive further issues of the newsletter, please inform Miranda Horobin at [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

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## A new website!

We are pleased to announce that Children Are Unbeatable! now has a new [website](#). It has the same address as the previous site so there is no need to alter your bookmarks or favourites settings.

We want the site to be as useful and accessible as possible. Please take a moment to visit it and let us know if you encounter any problems or identify gaps, inaccuracies or misjudgements. All comments and criticisms are welcome.

The website's last section on "Supporting positive parenting" is still under construction. The aim is to offer a comprehensive guide to free resources for parents on rights-respecting non-violent discipline: please let us know what free resources, such as booklets or online courses, you have found useful on this subject.

The site retains all the information of the previous site. There is a new section entitled "The case for reform" which aims to answer all the arguments raised against full legal prohibition of physical punishment in the UK. The drop-down menu provides information on:

## Frequently Asked Questions

What's wrong with a mild smack?

Research on the effects of physical punishment

Why section 58 undermines child protection

Other reasons why section 58 is a flawed and weak law

The experience of countries that have banned smacking

Domestic violence and physical punishment

Sexual violence and physical punishment

The religious arguments.

There are six other sections: "About us" (provides lists of supporting organisations, individuals, Parliamentarians and LSCBs, plus the Alliance structure and contact details); "News" (latest news, newsletters and news archive); "Take action" (how to recruit new supporters and respond to policy consultations and political opportunities, campaign materials); "The current position" (covering the current law, UK's human rights obligations, progress worldwide, prevalence of physical punishment, support for CAU! in the UK, children's views and parents' views); "Under-18s" (information and recruitment) and "Positive parenting"

### **What you can do**

Please send [rachel@childrenareunbeatable.org.uk](mailto:rachel@childrenareunbeatable.org.uk) information on free resources for the "Positive Parenting" section on non-violent, rights-respecting discipline and any comments and suggestions about the new site.

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## **Parliament and Government**

### **Wales**

CAU!-Cymru is focused on getting the necessary amendment to remove the "reasonable punishment" defence for assaults in Wales tabled with cross-party support at the final stage of the Social Services and Well-being (Wales) Bill in the National Assembly early in 2014. The aim is to gain Welsh Government support or for the Labour group to agree a free vote (other parties already do so). Plaid Cymru and Lib Dems are committed to tabling an amendment if the Government does not. For more than 10 years successive Labour-led Governments in Wales have supported a legal ban on smacking and there have been successive Assembly votes in favour of this. The current leadership confirmed that Wales now has the devolved power to legislate to remove the defence in October 2011.

### **What you can do:**

This newsletter only goes to CAU! supporters in England – [CAU!-Cymru](#) is separately coordinated – but if any readers have supportive contacts in Wales, please send details to Sara Reid, Coordinator of CAU! Cymru, ([sara.reid.cymru@gmail.com](mailto:sara.reid.cymru@gmail.com)).

## Westminster

Although there are probably no viable opportunities for law reform in England under the Coalition Government, we need to recruit as much parliamentary support as possible – please write to your MP (or friendly Peer) to ask them to support CAU! Click for the information you need:

- To find out if your [MP is a CAU! supporter](#);
- Suggestions for what to [write to your MP](#)
- For hard copy and online [sign-up forms](#).

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## Human rights pressure on the UK

Yet another UN Treaty Body recommendation to the UK to prohibit: in late July the Committee on the Elimination of Discrimination against Women (CEDAW) repeated its 2008 recommendation in its most recent [concluding observations](#), expressing concern that corporal punishment remains lawful in the home and urging the UK to “revise its legislation to prohibit corporal punishment of children in the home”

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## Child protection

Three serious case reviews of children who died as a result of multiple injuries at the hands of their carers have yet again attracted public debate: two year old Keanu Williams, “Child B” (a two year old boy with a severe form of epilepsy) and four year old Daniel Pelka. All three reviews made familiar recommendations for improved multi-agency communication, greater alertness by schools and health professionals, more robust recording systems and so forth.

Much of the abuse in these cases was committed in the context of physical punishment yet no review recommended that central government repeal the “reasonable punishment” defence for common assault, perhaps because this was thought to be outside the remit of such a review. The recent biennial report on serious case reviews – [New learning from serious case reviews: a two year report for 2009-2011](#) – regretted that the “*big issues, such as poor environment and bad housing, tend to be thought of as beyond the scope of the review despite Working Together... inviting consideration of national policy and practice issues. LSCBs may consider that these are issues over which they have little influence even though the potential for a single serious case review to prompt wide ranging change should by now be understood.*”

Could a ban on smacking have saved the lives of these three boys? It might. A universal ban on hitting children would undoubtedly affect the professionals and witnesses involved in these tragic cases, for example by enabling professionals to deliver the simple message of “no hitting of any kind” to parents, by freeing teachers to raise the (currently taboo) subject of physical punishment with pupils and parents, by making it easier for bystanders to challenge or report parents and – crucially – by informing children themselves (including the older siblings of abused infants) that smacking is not allowed in this country. And while a ban might not have stopped the sadistic and overtly criminal abuse inflicted by the parents in these three cases, there is evidence that such bans do help reduce serious forms of violence by tackling the lower level antecedents. Countries which have long-standing bans have found that violent assaults by parents decrease alongside “ordinary” physical punishment.

The NSPCC and the Association of Independent Local Safeguarding Children Board Chairs announced a new, publicly available central [repository](#) of serious case reviews which will also provide “succinct analysis of the emerging messages from serious case reviews”. Let us hope that among these emerging messages is a routine one to central government asking for all forms of assault of children to be outlawed.

### **What you can do**

- If you come into contact with an LSCB which has not yet decided to support CAU! (see the [full list](#) of supporting LSCBs under “Local Safeguarding Children Boards”) please encourage them to consider (or revisit) this decision.
- If you sit on an LSCB, please ask the chair to place CAU!’s renewed invitation to support its aims on the board meeting agenda. Contact Pat Gordon-Smith on 07528 275646 or [pat.gsmith@yahoo.co.uk](mailto:pat.gsmith@yahoo.co.uk) if you would like any information or materials to present to the chair and board.
- Tell us about any local or national possibilities for the Alliance to discuss changing the law on physical punishment with child protection professionals, and to encourage their support for the Alliance. Opportunities might include conferences, training sessions or informal meetings.

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### **Domestic violence**

Children Are Unbeatable! is encouraging domestic violence organisations to sign a [statement](#) on why the legality of physical punishment of children undermines efforts to combat adult domestic violence. Signatory organisations now include Women’s Aid, Refuge, Zero Tolerance, AVA (Against Violence and Abuse), Respect and Eaves.

### **What you can do**

- Encourage organisations working on domestic violence to sign the statement. For more information contact [rachel@childrenareunbeatable.org.uk](mailto:rachel@childrenareunbeatable.org.uk).

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## Physical punishment in madrassas

Baroness Walmsley and Lord Storey have tabled an amendment to the Children and Families Bill for the Committee stage in the House of Lords which seeks to apply the existing ban on physical punishment in institutions providing full-time education to part-time education as well. Currently institutions providing under 12½ hours education a week can inflict common assaults on children under the defence of “reasonable punishment”. The amendment would ensure that physical punishment is prohibited in institutions that provide education “of any duration”, which includes madrassas and Sunday schools (though arguably individuals such as home tutors or music teachers could still be excluded). A similar amendment tabled by Tim Loughton MP when the Bill was in the Commons was not accepted by the Government, though it is hard to see what their reasons are for continuing this obvious legal anomaly.

### What you can do

- Sign the [e-petition](#) to the Government to outlaw physical punishment in all part-time educational provision, posted by Natasha Coster
- Write to Michael Gove or your MP to express concern about the Government’s failure to ban physical punishment in all educational and care settings for children including madrassas and Sunday schools. (See ‘how to write to your MP in the [Parliament](#) section above).

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## Across the world

Honduras has become the 34<sup>th</sup> country to prohibit all forms of physical punishment of children, including in the family home. It is the fourth South American state to ban smacking, along with Venezuela, Uruguay and Costa Rica. See the Global Initiative to End Corporal Punishment for details.

The European Committee of Social Rights has declared admissible complaints against seven European states, Belgium, Cyprus, Czech Republic, Slovenia, Italy, Ireland and France, alleging that their laws do not prohibit all corporal punishment of children. Cyprus has since confirmed that it has amended its legislation to remove completely the right “to administer punishment”. Unfortunately, the UK has not ratified the Protocol to the European Social Charter which allows collective complaints of this sort to be made against states.

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## Religion

For those interested in what the Bible actually says about physical punishment, a scholarly analysis can be found in Samuel Martin's book [\*Old and New Testament teachings, Thy rod and thy staff they comfort me: Christians and the smacking controversy\*](#), now available free online.

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## Research

Three US studies yet again confirm the negative effects of "ordinary" physical punishment:

The first examined whether maternal warmth moderates the association between smacking and increased aggression in children between the ages of one and five ([\*Does Warmth Moderate Longitudinal Associations Between Maternal Spanking and Child Aggression in Early Childhood?\*](#)). 3,279 pairs of mother and child living in 20 US cities were assessed. Spanking at one year was – as in many other studies – associated with higher levels of aggression at three years, and likewise spanking at three years associated with higher aggression at five years. There was no evidence that maternal warmth counteracted these negative associations of smacking in any way.

Claims have also been made that the negative associations between smacking and aggression might not occur in ethnic cultures where parental physical punishment is more normal and more frequent. Another US study ([\*Longitudinal Links Between Spanking and Children's Externalizing Behaviors in a National Sample of White, Black, Hispanic, and Asian American Families\*](#)) tested this claim, looking at a representative sample of 11,044 children from four ethnic backgrounds. While the study confirmed there were cultural differences in the acceptability of physical punishment and the willingness of parents to admit to its use, there was no evidence that this cultural acceptability mitigated the negative effects of physical punishment. Spanking increased children's aggression in all ethnic groups.

The third study looked at the effect of physical punishment in childhood on adult health ([\*Harsh physical punishment in childhood and adult physical health\*](#)). The study defines "harsh physical punishment" as "pushing, shoving, grabbing, slapping and hitting", in other words physical punishment falling short of violence that might merit state intervention such as injurious beatings. After adjusting for sociodemographic variables, some associations were found with cardiovascular diseases, arthritis, obesity and "Axis I and II mental disorders".

## And finally...

Not content with insisting that the physical punishment of children is a Christian practice, some American couples are now signing up to "Christian Domestic

Discipline" (CDD) under which wives agree to be corporally punished by their husbands. Husband and wife team Clint and Chelsea have published various booklets on CDD, for example advising on the effectiveness of hairbrushes, wooden paddles and other instruments. Even ultra-conservative Christians in the US have denounced this trend as "unbiblical" and "bizarre."

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